

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 95-5892

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

SHANNON DEVONNE DALTON PITTMAN,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Winston-Salem. William L. Osteen, Sr., District Judge. (CR-94-290)

Submitted: July 25, 1996

Decided: August 14, 1996

Before LUTTIG and MOTZ, Circuit Judges, and PHILLIPS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Lawrence J. Fine, Winston-Salem, North Carolina, for Appellant. Walter C. Holton, Jr., United States Attorney, David B. Smith, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Shannon Devonne Dalton Pittman pled guilty to conspiracy to possess crack cocaine with intent to distribute, 21 U.S.C.A. § 846 (West Supp. 1996), and received the mandatory minimum sentence of ten years. Her attorney has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), raising one issue but indicating that in his view there are no meritorious issues for appeal. Pittman was notified of her right to file a pro se supplemental brief but has failed to do so.

Pittman's counsel challenges as unconstitutionally vague the enhanced penalties for crack offenses prescribed by 21 U.S.C.A. § 841 (West 1981 & Supp. 1996), an argument we considered and rejected in United States v. Fisher, 58 F.3d 96, 98-99 (4th Cir.), cert. denied, ___ U.S. ___, 64 U.S.L.W. 3270 (U.S. Oct. 10, 1995) (No. 95-5923).

In accordance with Anders, we have examined the entire record in this case and find no meritorious issues for appeal. We therefore affirm Pittman's conviction and sentence. We deny counsel's motion to withdraw at this time. This court requires that counsel inform his client, in writing, of her right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move again in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client.

We dispense with oral argument because the facts and legal contentions are adequately presented in the record and briefs, and oral argument would not aid the decisional process.

AFFIRMED